

A. INTRODUCTION

This Section 6(f) Evaluation assesses all properties within the study area that received Land and Water Conservation Fund (LWCF) Act funding, referred to herein as “Section 6(f) resources”. The study area for this Evaluation includes a 1,000-foot buffer surrounding the Proposed Project site. This Evaluation satisfies the requirements of the LWCF Act (16 USC § 4601-4 through 11, commonly known as Section 6(f)), which prescribes the conditions that must be satisfied for the use or transfer of parklands or open spaces that have been improved with funds received through the LWCF. As discussed in Chapter 2, “Project Alternatives,” this Environmental Assessment (EA) evaluates two Build Alternatives: Alternative 9A (the Preferred Alternative) and Alternative 9B. The Preferred Alternative would potentially require use of one Section 6(f) resource—portions of the publicly owned athletic fields at the Havre de Grace Middle School-High School complex.

B. REGULATORY CONTEXT AND METHODOLOGY**REGULATORY CONTEXT**

The LWCF Act established the LWCF State Assistance Program, a nationwide program for funding the acquisition and development of public outdoor recreation resources. The U.S. Department of the Interior (USDO), through the National Parks Service (NPS), provides funding under the LWCF for state and local efforts to plan, acquire, or develop land to advance outdoor recreational activities (16 USC § 4601-4). The Maryland Department of Natural Resources (DNR) Office of Land Acquisition and Planning serves as the state delegate/state liaison officer that administers LWCF Act funding received by Maryland from USDO.

Under Section 6(f) of the LWCF Act, land purchased with LWCF monies cannot be converted to a non-recreational use without coordination with and approval from USDO, acting through the NPS, at the request of the state delegate/state liaison officer. If any portion of a Section 6(f) resource is proposed to be converted to a non-recreational use, replacement of the land used is required. NPS must approve the conversion and replacement of Section 6(f) resources and any NPS approval must be based on a determination that the conversion meets the conditions under Section 6(f) described in more detail below (16 USC § 4601-8[f][3]) and 36 CFR Part 59.

In Maryland, some parks and recreational facilities have been funded through DNR Program Open Space (POS), established in 1969. Although POS is not part of the LWCF, the two programs work in parallel to protect the recreational areas they fund, and the two carry similar requirements for conversions of use. The conversion of land acquired or developed using POS funding requires the written approval of the Secretary of DNR, the Secretary of the Department of Budget and Management, and the Secretary of the Department of Planning. Funding for POS is made available to local communities through the Outdoor Recreation Land Loan of 1969 and through the LWCF of the USDO.

PREREQUISITES OF CONVERSION

Under the LWCF Act and applicable USDOJ regulations (36 CFR Part 59), conversion of Section 6(f) resources may be approved only if NPS finds that the following nine criteria have been met:

- 1) All practical alternatives to the proposed conversion have been evaluated and rejected;
- 2) The fair market value of the park property to be converted has been established and that the property proposed for substitution is of at least equal fair market value, as established by an approved appraisal in accordance with the Uniform Appraisal Standards for Federal Land Acquisition, excluding the value of structures or facilities that will not serve recreational purposes;
- 3) The proposed replacement property is of reasonably equivalent usefulness and location as the converted property;
- 4) The property proposed for substitution meets the eligibility requirements for LWCF-assisted acquisition;
- 5) For properties that are proposed to be partially rather than wholly converted, the impact of the converted portion on the remainder must be considered and the unconverted area must remain recreationally viable, or be replaced as well;
- 6) All necessary coordination with other federal agencies has been satisfactorily accomplished, including compliance with Section 4(f) of the U.S. Department of Transportation Act of 1966;
- 7) The guidelines for environmental evaluation have been satisfactorily completed and considered by the NPS during its review of the conversion proposal;
- 8) If the proposed conversion constitutes a significant change to the original LWCF project, State intergovernmental clearinghouse review procedures have been adhered to; and
- 9) The proposed conversion is in accordance with the applicable Statewide Comprehensive Outdoor Recreation Plan (SCORP) and/or equivalent recreational plans.

According to the NPS 2008 LWCF State Assistance Program Manual, a small conversion is a conversion that will affect no more than 10 percent of the Section 6(f) protected area or five acres, whichever is less, and meets the following criteria: 1) results in minor or no environment impacts due to removal from Section 6(f) protection/replacement of 6(f) property; 2) is not controversial; and 3) replacement property is contiguous to the original Section 6(f) protected area or another existing park or recreation area. A small conversion may simplify the NPS review and decision-making process. The Project Team will determine the appropriate level of conversion for the Proposed Project after selecting the most appropriate replacement property, in cooperation with Harford County Public Schools, DNR, and NPS.

METHODOLOGY

Generally, if a transportation project may impact parkland or recreational facilities that were acquired or developed using LWCF and/or POS funds, the project sponsor should obtain the following information and take the following actions:

- Identify parkland or recreational areas that were purchased or developed with LWCF or POS funds;

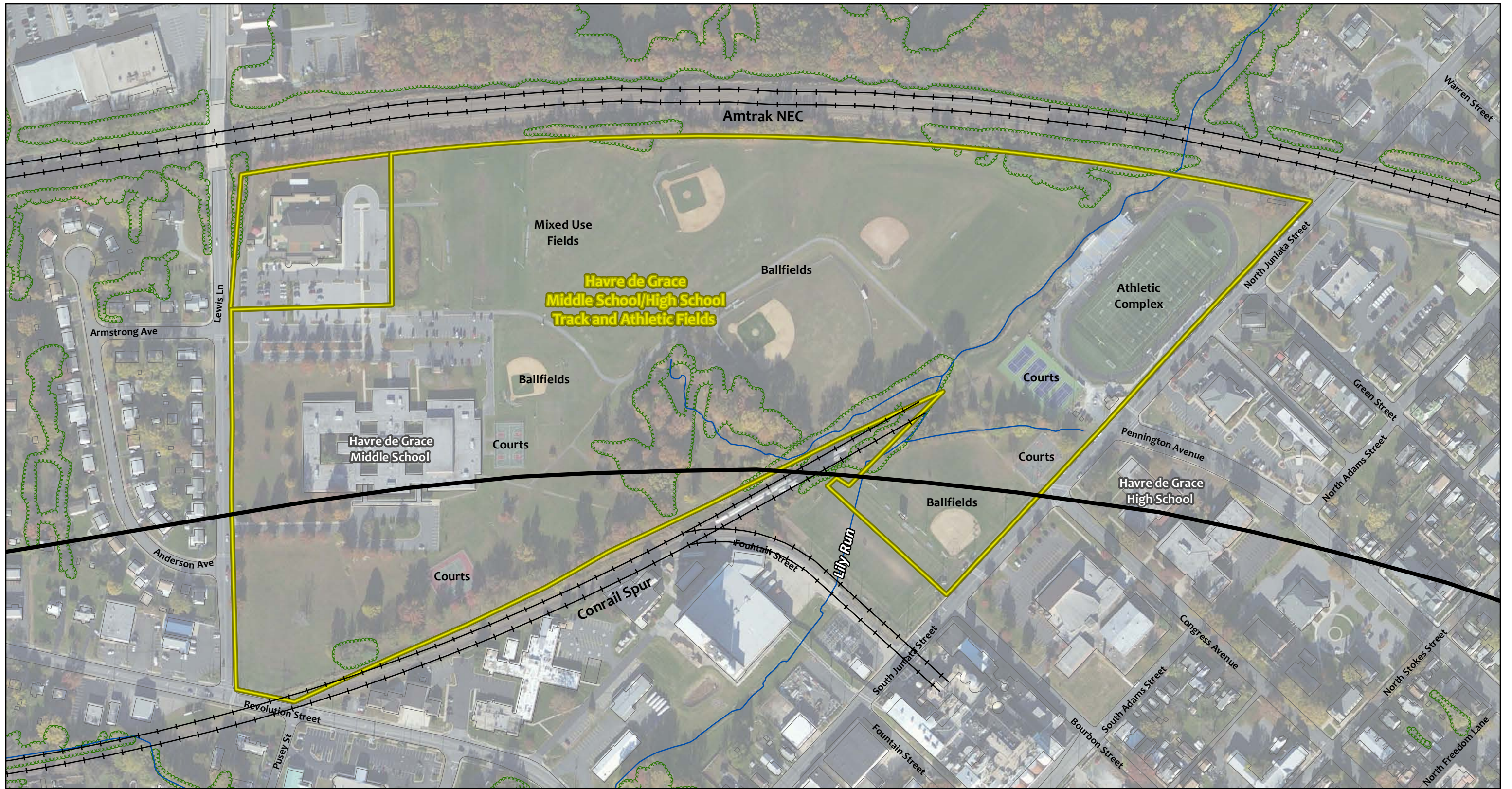
- Identify public parkland or recreational area right-of-way needs, in fee and/or temporary easements;
- Contact the official or agency with jurisdiction over the property to inform them of the proposed project/impact and request information on potential replacement properties;
- Prepare mapping showing potential replacement sites and develop an estimate of acquisition cost;
- Continue coordination with the official or agency with jurisdiction over the property to agree on mutually acceptable replacement site;
- Continue coordination with official/agency with jurisdiction through meetings, letters, and minutes of meetings during conversion process;
- Meet the requirements of Section 4(f) (described in Chapter 9, “Draft Section 4(f) Evaluation”);
- Identify a replacement site of at least equal fair market value and of reasonably equivalent recreational value, usefulness, and location as the impacted area;
- Complete appropriate appraisals when plans are developed, as required by law for POS or Section 6(f) property conversions; and
- Forward appraisals for impacted property and the selected replacement site to the official/agency with jurisdiction over the property.

The Project Team obtained information regarding Section 6(f) and POS resources within the study area using Geographic Information Systems (GIS) data, field visits, online LWCF project reports, and information from the Harford County Department of Parks and Recreation and DNR. The Project Team identified properties within the study area that were either partially or wholly bought or developed using LWCF monies, thereby triggering an Evaluation. For each property affected by the Proposed Project that contains a Section 6(f) resource, the Project Team calculated the acreage of potential impact (i.e., conversion of potential 6(f) land), and the type and extent of impacts to recreational facilities. The Project Team is continuing to coordinate with DNR and NPS.



C. APPLICABILITY OF SECTION 6(F) TO THE PROJECT

Harford County Department of Parks and Recreation has confirmed that portions of the Havre de Grace Middle School-High School complex received LWCF monies for development, (see **Figure 10-1** and response letter from the Harford County Department of Parks and Recreation regarding the use of LWCF monies at the Havre de Grace Middle and High Schools in **Appendix H**, “Public Involvement and Agency Correspondence.”)

In 1966, NPS granted \$7,070.00 to the high school for the construction of three tennis courts and one multi-purpose court (Project 24-00008). In 1970, the middle school was granted \$16,143.00 for the construction of one multi-purpose court, four little-league baseball fields, and a cinder running track (Project 19-00139-13-012). Records from 1978 indicate that the tennis courts originally constructed under LWCF project 24-00008 were relocated on the school site as part of a Havre de Grace High School expansion project. In addition, the athletic facilities constructed under LWCF project 19-00139-13-012 have undergone several reconfigurations including the relocation of the original cinder running track and original ball field (see **Figure 10-2**). The precise boundaries of Section 6(f) resources within the Havre de Grace Middle School-High School complex are the subject of ongoing discussions between NPS, DNR, and Harford

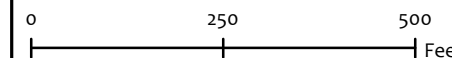


Legend

-  Havre de Grace Middle School/High School Track and Athletic Fields*
-  1,000 ft Study Area

Data Sources

Athletic Field Complex Boundary:
Harford County Government, 2011



**Susquehanna River
Rail Bridge Project**

Figure 10-1
Havre de Grace Middle/High
School Athletic Complex

*Property partially developed using LWCF Funds (6(f) resource)



1970



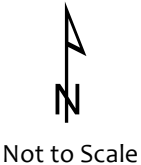
1973



1998-1994



2013



**Susquehanna River
Rail Bridge Project**

Figure 10-2
Development History of
Havre de Grace Middle/High
School Athletic Complex

Susquehanna River Rail Bridge Project

County. Through coordination with NPS and DNR, a draft LWCF boundary has been established for this EA (discussed in Section E, “Potential Impacts of the Build Alternatives”).

In 2015, Harford County Public Schools reported a total student population of 37,451; of these, 584 students attended the Havre de Grace Middle School and 775 students attended the Havre de Grace High School.¹ The middle and high school buildings are not connected; however, they share athletic facilities that host a range of recreational activities including football, soccer, baseball, and track and field events. The portion of the property that includes the shared recreational facilities is approximately 57 acres and is located between the middle and high school buildings. The facilities currently include five baseball fields, two multi-purpose courts, five tennis courts, two soccer fields, open space, and the James R. Harris Stadium that contains a track and football field. According to consultation with Havre de Grace High School, these athletic fields are used for school-related sporting events and practices, and are open to the public outside of normal school hours and after-school programs unless reserved for a special event.

In addition to the school athletic fields, three parks within the study area—the David Craig Park, Swan Harbor Farm, and Lower Ferry Park—have been funded through DNR’s POS (see Chapter 6, “Parks, Trails, and Recreational Resources”). As described above, funding for POS is made available through the Outdoor Recreation Land Loan of 1969 and the LWCF of the USDOJ. These parks are therefore considered Section 6(f) resources.

D. NO ACTION ALTERNATIVE

The No Action Alternative assumes the Susquehanna River Rail Bridge will remain in service as-is, with no intervention apart from the undertaking of minimal repairs and the continuation of the current maintenance regime. Service over the bridge would continue to worsen in the future under the No Action Alternative. The No Action Alternative is a baseline scenario against which potential impacts from the Proposed Project will be measured. As part of the No Action Alternative, Harford County Public Schools is in the process of finalizing design plans to combine the existing Havre de Grace High School located on Congress Avenue with the Havre de Grace Middle School currently located on the southern end of the existing school property near Lewis Lane. Harford County’s plans to reconstruct the Middle School-High School complex are independent of the Susquehanna River Rail Bridge Project. The new complex would include new baseball fields and improved pedestrian accommodations.

E. POTENTIAL IMPACTS OF THE BUILD ALTERNATIVES

Alternative 9A and Alternative 9B would require expansion of the existing rail right-of-way, requiring the acquisition and conversion of narrow strips of land within the Proposed Project area, including within the Havre de Grace Middle School-High School complex.

ALTERNATIVE 9A

Under Alternative 9A (the Preferred Alternative), the proposed new retaining walls supporting the rail tracks would encroach upon the Havre de Grace Middle School-High School complex—including the existing running track and the planned athletic fields. The Lewis Lane overpass near the school complex would be reconstructed to accommodate the new track alignment.

¹ <https://www.hcps.org/schools/SchoolProfile.aspx?schoolID=78>; accessed December 29, 2016.

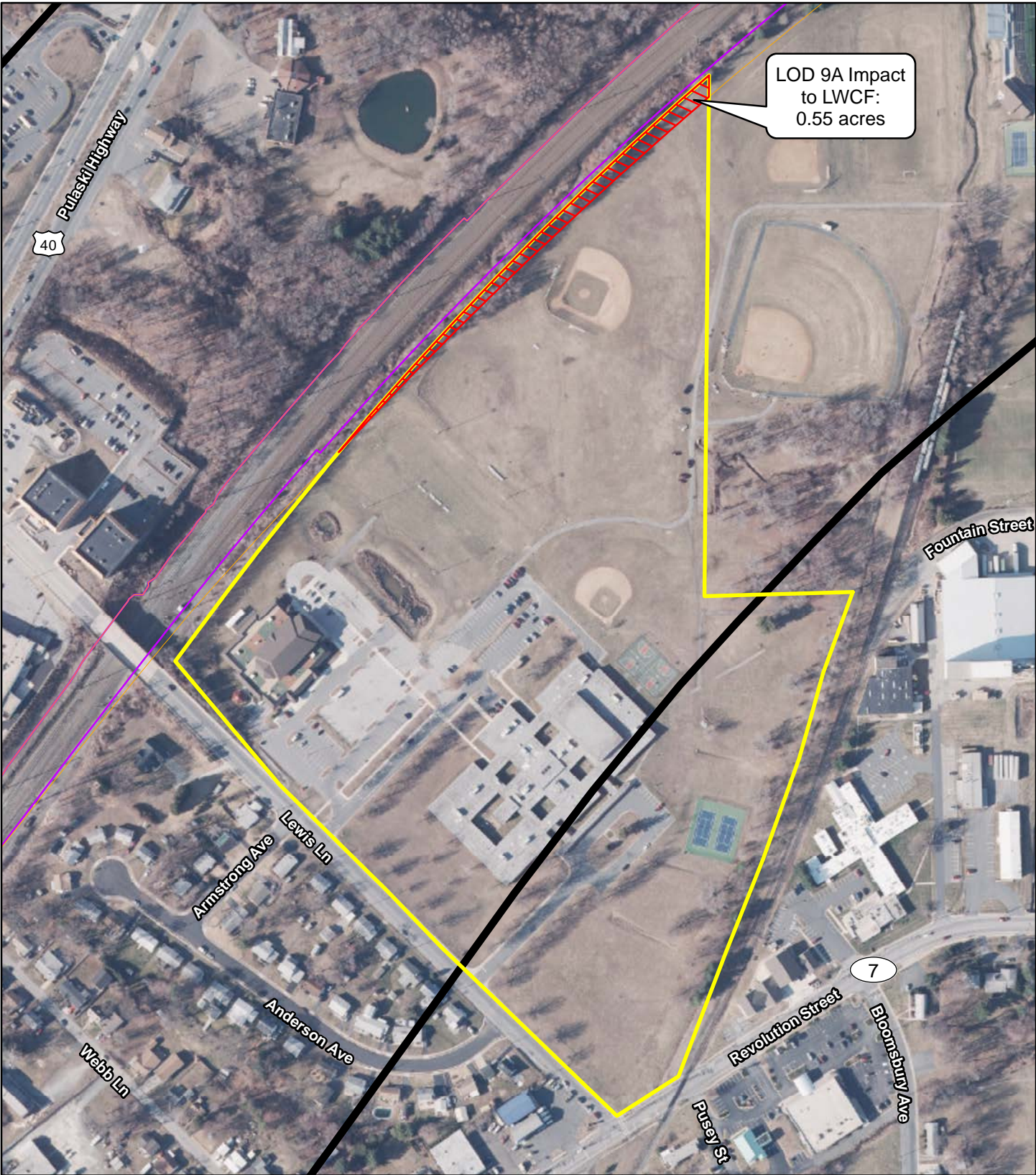
Alternative 9A would require the permanent acquisition of a small portion of the athletic fields—approximately 1.5 acres of fee simple right-of-way for Amtrak and approximately 1.2 acres of utility easement for the Harford County Department of Public Works for a total potential property impact of approximately 2.7 acres.

The fee-simple right-of-way is needed to accommodate a retaining wall, which would be constructed parallel to the tracks to the south and would be situated mostly on the current school property. Fencing would be installed along the top of the retaining wall, which would be approximately 17 to 18 feet tall, with a maximum height of 25 feet. An additional temporary construction easement may be required to build the retaining wall. Alternative 9A would also require a 30-foot-wide maintenance easement for the Harford County Department of Public Works. Ten feet of that maintenance easement would be within the proposed acquisition area. The remaining 20 feet of the needed maintenance easement (approximately 1.2 acres) would be within the school property.

The proposed rail track would impact only open space, but the proposed retaining wall and the associated construction/maintenance easement would impact track and field amenities, including the 110-meter hurdle runout area, the high jump/pole vault facility, the long jump facility, and storage shed. In addition, the retaining wall and easement would affect the conceptual design of the planned baseball fields, which Harford County intends to build to the west of the track.

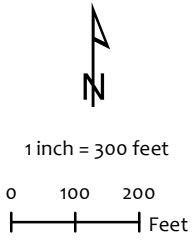
Alternative 9A would require minor reconfigurations of the existing and planned ballfields at the school complex. Alternative 9A would also physically impact the starting block for the existing running track. As mentioned earlier, LWCF monies were used for the construction of the original cinder running track, which has since been moved to its current location. The functional use of the original LWCF monies acquired for the construction of the original track are no longer relevant due to the relocation of that recreation facility. Based on DNR and NPS's current understanding of the Section 6(f) resource boundaries, the existing track and field amenities are not subject to Section 6(f). A portion of the land required for Alternative 9A, however, falls within the Section 6(f) resource boundaries. NPS and DNR have delineated a draft LWCF boundary (see **Figure 10-3**); Harford County input on this boundary is pending. Alternative 9A would require approximately 0.55 acre of land for which LWCF monies were used (see **Figure 10-3**). There are no existing or planned athletic fields or other recreational facilities within this 0.55-acre area. The track and field elements impacted by the Proposed Project are within HCPS property, but are outside of the established draft LWCF boundary.

The Proposed Project may qualify for a small conversion as discussed under the above "Prerequisites of Conversion". Additionally, according to NPS 2008 LWCF State Assistance Program Manual, underground utility easements within a Section 6(f) area may not trigger a conversion if the site is restored to its pre-existing condition to ensure the continuation of public outdoor recreational use of the easement area within 12 months after the ground within the easement area is disturbed. The existing water main relocation would result in a 30-foot-wide water main easement. Of this 30-foot-wide easement, approximately 10 feet would be located on the Amtrak property and approximately 20 feet would be located on the school property. According to Section 6(f) guidance (*LWCF State Assistance Program Manual, Chapter 8-12*), the water main easement can be excluded from the overall Section 6(f) conversion acreage since it would be restored to prior conditions shortly after construction has been completed allowing any surface level recreational activities to proceed as intended. Coordination with NPS and DNR will continue to confirm that the utility easement area would not be subject to conversion



LOD 9A Impact to LWCF: 0.55 acres

- LOD 9A Calculation Area
- LOD 9B Calculation Area
- 1,000 ft Study Area
- LOD 9A LWCF Impact
- LWCF Boundary



Susquehanna River Rail Bridge Project

Figure 10-3
LWCF Boundary
LOD Comparison
Harford County, MD

requirements. Alternative 9A would not impact David Craig Park, Swan Harbor Farm, or Lower Ferry Park—the parks within the study area that have received POS funding.

ALTERNATIVE 9B

Alternative 9B is similar to Alternative 9A, but would entail a more curved rail alignment design, which would limit the rail speed to a maximum of 150 mph and result in fewer right-of-way impacts. As shown in **Figure 10-3**, Alternative 9B would not extend beyond Amtrak’s existing right-of-way at the Havre de Grace Middle School-High School complex, and therefore would have no adverse impacts to this resource. Alternative 9B would not impact other Section 6(f) resources, including David Craig Park, Swan Harbor Farm, and Lower Ferry Park.

F. MINIMIZATION AND MITIGATION OF IMPACTS

As a first prerequisite of conversion, all practical alternatives to the proposed conversion must be evaluated and rejected.” A two-step screening process (i.e. fatal flaw screening followed by a detailed screening) was used to evaluate 25 preliminary alternatives for the project (see Chapter 2, “Project Alternatives”). A “fatal flaw” screening eliminated all but 10 alternatives based on rail connectivity, navigational requirements, logical termini, feasibility and constructability, and avoidance of critical property impacts. The Project Team conducted a subsequent detailed screening of the 10 remaining alternatives based on potential impacts to the human and natural environment (including Section 6(f) impacts) as well as operational and engineering considerations. The screening determined that Alternative 9A and Alternative 9B best meet the goals and objectives of the project, while minimizing environmental and property impacts.

Six of the alternatives screened in detail (1B, 4C, 4E, 8A, 8B and VE) would have avoided impacts to Section 6(f) resources, but were removed from further consideration because they either required full acquisition of a low-income senior housing facility, supported less desirable train speeds, and/or required similar or higher environmental impacts as Alternative 9B while offering fewer operational and engineering benefits. The fatal flaw and detailed screenings satisfy the first conversion prerequisite. In addition, Alternative 9A was determined to have the least overall harm in light of the preservation purpose of Section 4(f) (see Chapter 9, “Draft Section 4(f) Evaluation”).

The Project Team made efforts to minimize the impacts to Section 6(f) resources during the alternatives development and screening process, and have eliminated several alignments that could have resulted in greater impacts to Section 6(f) properties, including more extensive impacts to the Havre de Grace Middle School-High School athletic fields (see “Alternatives Retained for Detailed Study” in **Appendix A**, “Alternatives Screening Report and Bridge Types”). Alternative 4B and Alternative 4D, which were removed from further consideration, would have required more than two acres of fee-simple right-of-way from the Havre de Grace Middle/High School facility.

The Federal Railroad Administration (FRA) and the Maryland Department of Transportation (MDOT) have been coordinating closely with Harford County Public Schools to develop proposed measures to minimize and mitigate the impacts that would result from Alternative 9A. Proposed minimization and mitigation for Alternative 9A impacts to the Havre de Grace Middle/High School Athletic Fields are discussed in Chapter 9, “Draft Section 4(f) Evaluation”.

G. POTENTIAL SECTION 6(F) REPLACEMENT LAND

Coordination with DNR, NPS, and the property owner—Harford County Public Schools (HCPS)—regarding potential Section 6(f) impacts and replacement parkland opportunities will continue as the Proposed Project progresses to the final design phase and once construction funding has been allocated for right-of-way purchases. The Proposed Project will likely result in a Section 6(f) impact (pending finalization of the draft LWCF boundary). Therefore, the Project Team will adhere to the nine LWCF prerequisites for conversion listed in Section B, “Regulatory Context and Methodology”, as well as the Small Conversion Policy established in 1990 and recently amended (codified at 54 USC §2000305(f)(3), on January 3, 2017). The Project Team will also provide documentation per the LWCF Act and applicable USDOJ regulations for the conversion of parkland (36 CFR 59). FRA and MDOT will continue to coordinate with Harford County Public Schools to submit an application for land conversion to the NPS Regional Administrator through DNR.

For this Environmental Assessment, the Project Team identified three potential replacement sites for further evaluation and coordination with the appropriate parties including DNR, NPS, FRA, MDOT and HCPS. The goal of the potential replacement land site search was to adhere to the eligibility requirements outlined in the Land and Water Conservation Fund Act of 1965.

Table 10-1 provides an overview of the potential replacement parcels that the Project Team identified. **Figure 10-4** shows the locations of the parcels.

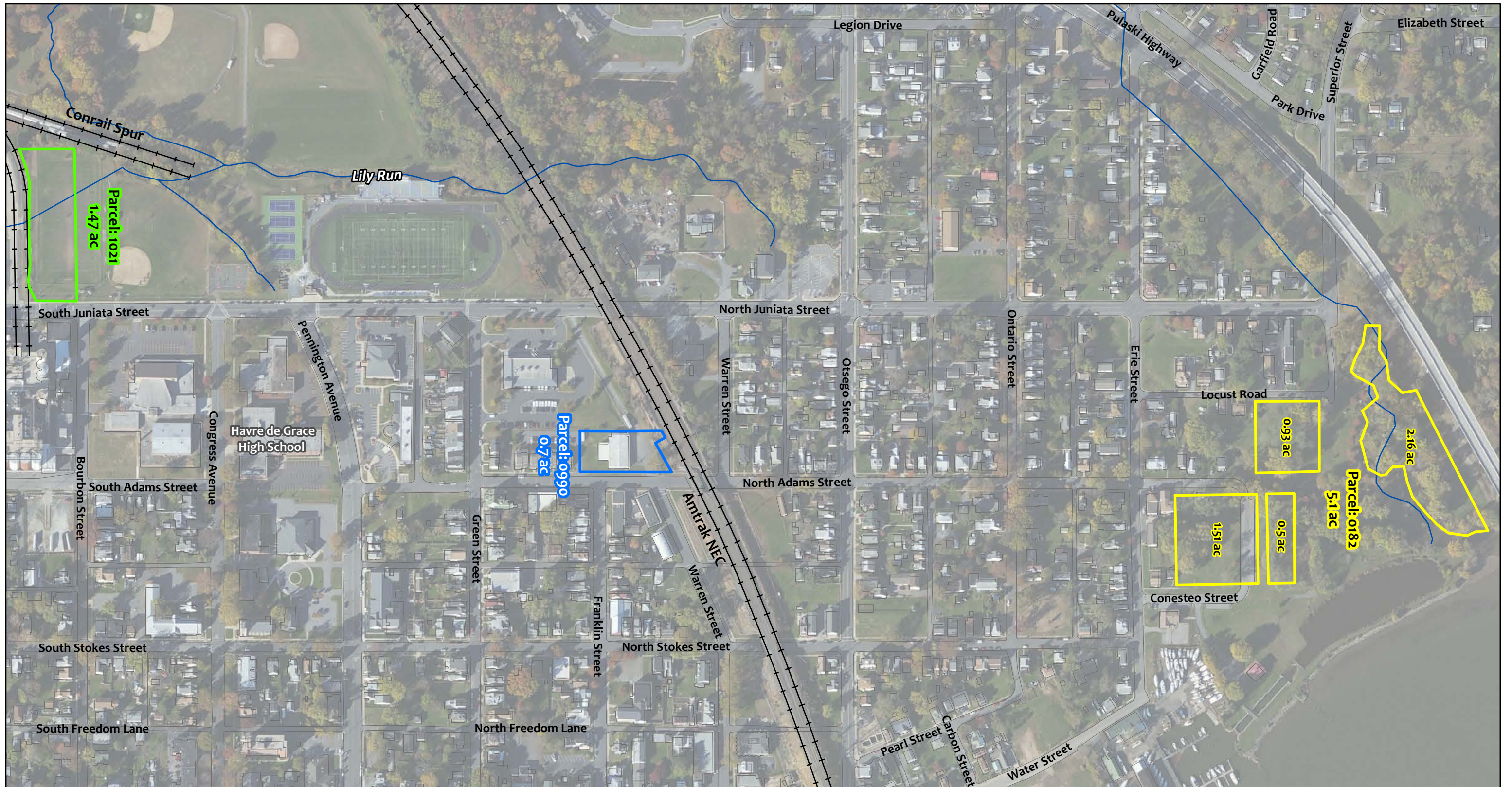
**Table 10-1
Potential Replacement Land**

Property	Parcel Number	Lot Number	Zoning	Area (acre)
Property 1 Consolidated Gas & Electric Company	1021	1	Commercial	1.47
Property 2 Pepco Energy Power Company	182	1, 2, 3, and 4	Commercial	5.1
Property 3 T&D Enterprises LLC	0990	1	Commercial	0.7

POTENTIAL PROPERTY CONSIDERATIONS:

PROPERTY 1 (OWNER: BG&E)

- This parcel is contiguous to the proposed LWCF boundary but currently has public recreational uses on the site.
- Due to the private ownership of the parcel, the property could potentially be considered as replacement land under LWCF guidance and could comply with the small conversion requirements. Further coordination regarding the current use agreement between HCPS and the land owner BG&E is needed. The Project Team will evaluate the viability of using this property as replacement land, once the project transitions into detailed design and as construction funds become available.



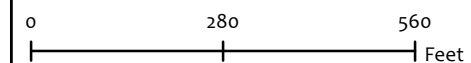
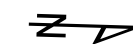
Legend

Potential Replacement Sites:

- Property 1
- Property 2
- Property 3

Data Sources

Parcel Boundaries:
Harford County Government, 2011



**Susquehanna River
Rail Bridge Project**

Figure 10-4
Potential Replacement Sites

Susquehanna River Rail Bridge Project

PROPERTY 2 (OWNER: PEPCO ENERGY POWER COMPANY)

- This parcel is made up of open space that is contiguous to North Park, which would make it eligible for a small conversion.

PROPERTY 3 (OWNER: T & D ENTERPRISE LLC)

- This parcel is slightly over 1,000 feet from the school following existing roadway surface streets.
- The site could potentially be used for open space or park and recreation amenities.
- Since this parcel is not contiguous to the school athletic fields or to another existing park or recreation area, it will not fall under the small conversion requirements, but could still be evaluated as a full conversion option.

As previously mentioned, once the project transitions into detailed design and as construction funds become available, the Project Team will coordinate with NPS, DNR, and HCPS to finalize the LWCF Boundary, identify specific replacement parcel uses and evaluate the potential replacement sites, along with any other locations that may be identified in the future as suitable with respect to the replacement guidelines. *